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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 000272

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SUBJECT: UNAMI TRIES TO ENERGIZE KIRKUK PROPERTY DISPUTE
RESOLUTION PROCESS

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Classified By: Classified By: PRT Kirkuk Leader Gabe Escobar for reasons 1.4 (b) and (d)

11. (U) This is a PRT Kirkuk Cable

12. (C) SUMMARY: The dispute over property claims in Kirkuk is a major obstacle to ethnic and political reconciliation. There are nearly 42,000 pending claims for property confiscated during the Saddam era, which are complicated by post-2003 cancellations of agricultural leases and legal challenges against squatters on public lands and in public buildings. Recent efforts by UNAMI to inject energy into the Commission for the Resolution of Real Property Disputes (CRRPD) have been welcomed by all sides, but getting Sunnis, Turkomans, and Kurds to agree on a common way forward and prompting action by the central government remain estimable barriers. While difficult, resolving a greater number of property disputes could positively impact efforts on a census, voter registration, provincial elections and the issue of Kirkuk's final status. End Summary.

13. (C) In the five years that the Iraqi Property Claims Commission (IPPC) and the Committee for the Resolution of Real Property Disputes (CRRPD) have been working to resolve pre-2003 land claims, determinations have been made in only a little over 3,000 of the nearly 42,000 cases filed in Kirkuk Province. UNAMI experts estimate it will take until 2054 to resolve these claims using the current process. The main bottleneck in resolving these issues is a provision facilitating appeals of decisions by government ministries, which pushes the cases into an overloaded single Court of Cassation in Baghdad. According to Kirkuk Director General of Agriculture, Mahdi Mubarak, a reason for the high number of appeals is the belief that any employee of a government directorate who lets a decision stand without appealing will face charges of corruption for allowing state property to be given to a citizen. Claimants, however, interpret the appeals as a government effort to retain control of citizen property despite clear evidence and legal documentation proving title. Worse, many see the appeals as part of a politically motivated effort to prevent changes in the ethnic composition of the province.

14. (SBU) The inclusion of property issues in Article 23 of the 2008 Provincial Elections Law was a clear indication, however, that all ethnic blocs in Kirkuk are dissatisfied with the slow pace of property dispute resolution. In addition to perpetuating the uncertain situations of residents whose property is in dispute, the lack of progress has retarded economic development by hampering the ability of businesses or individuals to acquire land. It has also slowed government efforts to deliver services, as they have to undertake a laborious process to clear squatters from key installations like model farms, schools, and clinics.

15. (SBU) A September report issued by UNAMI on local property issues in Kirkuk contained 13 recommendations. They

included: ending the provision allowing government ministries an automatic right to appeal CRRPD decisions, speeding compensation for those with cancelled agricultural leases, responsibly removing squatters from sites which have a high public profile or are key to local governance, and accelerating efforts by the Ministry of Housing to construct houses for those whose homes were destroyed by the state under either Arabization or Anfal campaigns. The intent is to speed resettlement and address the concerns of all blocs in a single process.

¶6. (C) Since mid-January, UNAMI has started work on implementing the recommendations of the property report. The formation of a committee composed of Provincial Council and Qformation of a committee composed of Provincial Council and Article 140 Normalization Committee representatives from all ethnic blocs, chaired by Provincial Council Chair Rizgar Ali, was an important first step. The goal is to use the committee to negotiate local compromises to property issues, linking both the pre- and post-2003 claims to gain political buy-in from all blocs. UNAMI has pledged support for agreements made at the local level, and to use the High Level Task Force to press the Government of Iraq (GOI) to act in support of those agreements.

¶7. (C) COMMENT: UNAMI's effort is the first real attempt to make progress on the property issues since the Article 23 Committee ran aground in 2008. Unfortunately, many of the same obstacles that thwarted the Article 23 Committee,s effort remain, and the timing of UNAMI's push could make property dispute resolution a major campaign issue in Kirkuk Province. The three major ethnic groups in Kirkuk Province have had little success to date in finding pragmatic solutions to enduring problems, and few issues are more emotive than property. Lastly, there appears to be little effective communication and coordination between the provincial government and GOI. Local UNAMI representatives

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understand these limitations and are working closely with the committee to ensure that this does not become another forum for pressing narrow ethnic or party agendas, and are actively seeking the involvement of Baghdad-based leaders to help break the logjam. While it is unlikely that the majority of outstanding claims will be solved in the near-term, an uptick in the pace of resolutions would constitute an important achievement and could help pave the way for progress on other difficult issues that have thwarted development in the province. End Comment.

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